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Eric Wohl

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EXAMINER

SOREY, ROBERT A

ART UNIT

PAPER NUMBER

3626

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/725,948 | <b>Applicant(s)</b><br>WOHL, ERIC |  |
|                              | <b>Examiner</b><br>ROBERT SOREY      | <b>Art Unit</b><br>3626           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of Claims*

1. In the amendment filed 08/19/2008, the following occurred: Claims 1, 2, 6, 11, 17-19, 21-23, 29, and 35 have been amended; Claim 20 is canceled; and claim 39 is new. Claims 1-19 and 21-39 are pending.

### *Response to Amendments*

2. Use of trademarks has been properly corrected and the amendment to the specification is accepted. Objections to claims 11 and 17 are withdrawn in view of corrective amendments. Rejections under 35 U.S.C. 112 to claims 1, 2, 6, 18-23, and 35 are withdrawn in view of corrective amendments and claim cancellation.

Amendments to claims 1, 2, 6, 11, 17-19, 21-23, 29, and 35, and new claim 39, appear to not add new matter and will be treated below on the merits.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7, 9-13, 17-18, 21-25, and 29-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,208,974 to Campbell et al. in view of U.S. Patent 5,255,187 to Sorensen.

5. As per claim 1, Campbell et al. teaches a system comprising:

--a processor (Fig. 1, ele. 121)(see: column 4, lines 52-58);

--a database accessible to the processor, the database comprising: a relationship table identifying a relationship of at least one pair of medical findings (see: column 4, lines 12-14, and column 17, lines 6-14);

--and storage media storing: instructions to direct the processor (see: column 5, lines 8-12) to retrieve the relationship of the at least one pair of medical findings (column 17, lines 6-14);

--and instructions to direct the processor to generate graphical user interface data based on the relationship (see: column 4, lines 8-11) and

Campbell et al. fails to specifically teach the relationship table associating an alternative name field with the at least one pair of medical findings and instruction to generate a GUI of data stored within the associated alternative name field; however, Sorensen teaches presenting a database of numbered assigned disease and medical finding synonyms (see: Sorensen, column 22, lines 31-37; and column 31, line 32 through column 36, line 49) via a computer with a program configured to display said findings (see: Sorensen, column 4, lines 3-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Campbell et al. and Sorensen. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

6. As per claim 2, see discussion of claim 1.

7. As per claim 3, see discussion of claim 1.

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8. As per claim 4, see discussion of claim 1.

9. As per claim 5, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 1, and further teaches:

--comprising a network interface accessible to the processor (Fig. 1, ele. 151 and 152)(see: column 4, lines 45-51, and column 5, lines 47-51).

10. As per claim 6, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 5, and further teaches:

--instructions to direct the processor to communicate the graphical user interface data to an interface device via the network interface (see: column 3, line 66 through column 4, line 11, and column 4, lines 31-48).

11. As per claim 7, see discussion of claim 6.

12. As per claim 9, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 1, and further teaches:

-- a template table identifying a parent finding associated with the relationship of the at least one pair of medical findings (see: column 17, lines 6-14).

13. As per claim 10, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 9, and further teaches:

--a complaint table identifying a complaint associated with the parent finding (see: column 4, lines 12-14, and column 17, lines 6-23).

14. As per claim 11, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 1, and further teaches:

--a finding usage table identifying metadata associated with at least one parent finding and child finding associated with the relationship of the at least one pair of medical findings (see: column 17, lines 51-65, and column 17, lines 6-14).

15. As per claim 12, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 11, and further teaches:

--the metadata comprises a display text (Fig. 10, ele. 1006 and 1008)(see: column 17, lines 59-61).

16. As per claim 13, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 11, and further teaches:

--the metadata comprises a control element type (Fig. 10, ele. 1008)(see: column 17, lines 66-67 through column 18, lines 1-5).

17. As per claim 17, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 1, and further teaches:

--an encounter findings table identifying an encounter finding associated with the relationship of the at least one pair of medical findings (see: column 4, lines 12-14, and column 17, lines 6-28).

18. As per claim 18, see discussion of claim 17.

19. As per claim 21, see discussion of claims 1 and 2: Campbell et al. further teaches a display medium (Fig. 1, ele. 147)(see: column 5, lines 29-31).

20. As per claim 22, see discussion of claim 21.

21. As per claim 23, see discussion of claim 21.

22. As per claim 24, see discussion of claim 3.

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- 23. As per claim 25, see discussion of claim 4.
- 24. As per claim 29, see discussion of claim 1.
- 25. As per claim 30, see discussion of claim 2.
- 26. As per claim 31, see discussion of claim 21.
- 27. As per claim 32, see discussion of claim 21.
- 28. As per claim 33, see discussion of claim 18.
- 29. As per claim 34, Campbell et al. teaches the invention substantially as claimed, see discussion of claim 33, and further teaches:

--the encounter comprises attendance to a patient by a medical professional  
(see: column 6, lines 10-22, and column 7, lines 60-62).

- 30. As per claim 35, see discussion of claim 1.
- 31. As per claim 36, see discussion of claim 2.
- 32. As per claim 37, see discussion of claims 1 and 2.
- 33. As per claim 38, see discussion of claim 33.
- 34. As per claim 39, Campbell et al. teaches the invention substantially as claimed, see discussion of claim 1, and further teaches:

--wherein the relationship table associates a context field with the at least one pair of medical findings (see: Sorensen, column 36, line 51 through column 40, line 17).

- 35. **Claims 8 and 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,208,974 to Campbell et al. in view of U.S. Patent 5,255,187 to Sorensen further in view of U.S. Patent Application Publication 2004/0078231 to Wilkes et al.

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36. As per claim 8, Campbell et al. discloses the invention as claimed, see discussion of claim 5, but fails to teach:

--the network interface is a wireless network interface.

However, Wilkes et al. teaches a wireless network interface (Fig. 7, ele. 126)(see: at least paragraphs, 16, 21, 133, and 173). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the wireless network aspect of Wilkes et al. and the network of Campbell et al. and Sorensen with the rationale of having remote electronic access to documentation results “for making patient care related decisions accordingly and in a timely manner” (see: paragraph 22).

37. As per claim 26, see discussion of claim 8.

38. As per claim 27, Campbell discloses the invention substantially as claimed, see discussion of claim 21, but fails to teach:

--tablet computational circuitry.

However, Wilkes et al. teaches a tablet device (see: at least paragraphs 16, 21, and 133).

39. As per claim 28, Campbell discloses the invention substantially as claimed, see discussion of claim 21, but fails to teach:

--a personal digital assistant.

However, Wilkes et al. teaches a personal digital assistant (Fig. 7, ele. 118)(see: at least paragraphs 16, 21, 133, and 173).

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40. **Claims 14-16 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,208,974 to Campbell et al. in view of U.S. Patent 5,255,187 to Sorensen further in view of U.S. Patent Number 6,915,254 to Heinze et al.

41. As per claim 14, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 11, but fails to specifically point out:

--the metadata comprises a medical coding.

However, Heinze et al. teaches using medical metadata for medical coding (see: column 2, lines 29-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the medical coding aspects of Heinze et al. and the system as taught by Campbell et al. and Sorensen with the rationale of reducing the need for human intervention, improving consistency of coding, increasing throughput, and decreasing reimbursement time (see: Heinze et al., column 2, lines 36-39).

42. As per claim 15, see discussion of claim 14.

43. As per claim 16, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 11, but fails to specifically point out:

--a controlled medical vocabulary table.

However, Heinze et al. teaches a control database of medical vocabulary (see: column 17, lines 43-51).

44. As per claim 19, see discussion of claim 14.

### ***Response to Arguments***

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45. Applicant's arguments filed on 08/19/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed 08/19/2008.

46. In the remarks the Applicant argues that "Campbell does not disclose a relationship table identifying a relationship of at least one pair of medical findings that includes an alternative name field associated with the at least one pair of medical findings and does not teach generating graphical user interface data based on the relationship of the pair of medical findings and data stored within the associated alternative name field."

47. In response to Applicant's argument, the Examiner respectfully disagrees. The arguments pertain to limitations added upon amendment and have been addressed above. Applicant's arguments with respect to claims 1-19 and 21-39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

48. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

49. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SOREY whose telephone number is (571)270-3606. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM (EST).

51. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on (571)272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

52. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/R. S./

Examiner, Art Unit 3626

13 November 2008

/C Luke Gilligan/

Supervisory Patent Examiner, Art Unit 3626